

1870-013 Chancery Cause: Andrew M. Bourne vs. John C. Harris
Lee Co

CA - Debit
T - Property

To the Worshipful County Court of Lee
County in Chancery Sitting:

The bill of Complaint of Andrew
Milbourne of Lee County Virginia respectfully
represents that Your Orator sold a tract of
land to one John C. Harris of Said County
and caused a good and sufficient title to
be made to the said tract of land by Peter
T. Miller ~~and~~ Mary Miller his wife in whom
the title was vested and their deed of Convey-
-ance has been fully made to the said John C.
Harris and accepted by him and admitted
to record in the County Court Clerks office of
Lee County. Your Orator alleges that a lien
was reserved in said Deed for the unpaid
purchase money so that the said tract of
land was and is bound for the unpaid pur-
-chase money the same as if no conveyance
had ~~ever~~ been made by the said Peter T. Miller
and wife to said John C. Harris. Your Orator
further alleges that a part of the purchase
money on said land is still unpaid and for
which Your Orator obtained a judgment
at the August term of the County Court of Lee
County in the year 1869 and which judg-
-ment is for \$150.00 with interest from
the first day of March 1867 till paid and
\$6.01 for his Costs a copy of which judg-
-ment is herewith filed marked (A) and made
a part of this bill and upon this judgment
a fieri facias was issued by the Clerk of the
County Court of Lee County on the 8th day of
September 1869 and which went into the
hands of Cyrus R. Tyler Deputy Sheriff for

William W. Sage High Sheriff of Lee County
and he returned the same to the County
Court Clerks office with the following en-
dorsement thereon to wit "No property
found C. R. Tyler D.S." thereby showing that
the said judgment interest and costs cannot
be made by a fieri facias and that Your
Orator is driven to the necessity of making
the amount due on said judgment and
execution out of the land sold and conveyed
to said John C. Harris as aforesaid. A copy
of the said fieri facias together with the
said endorsement thereon is herewith filed
marked (B) and made a part of this bill.

Your Orator alleges that this judgment being
for the purchase money due on said land
and it being a lien on the land by the
reservation contained in the conveyance and
a copy of that part of said deed is herewith
filed marked (C) and made a part of this
bill. And Your Orator further alleges that
the said judgment was and is also a lien
on said land. Your Orator alleges that
since he sold the said tract of land to the
said John C. Harris and since the said Peter
T. Miller executed his conveyance to him, he
the said John C. Harris has sold to one
Anderson Kane about 70 acres of said
land and for which he has been paid, but
the remainder being about 130 acres will
be sufficient to satisfy Your Orators judg-
ment without disturbing the land sold to said
Anderson Kane and he having paid for it
Your Orator does not wish to disturb him

Your Orator being without an adequate
remedy at law and relievable in a Court
of equity his prayer therefore is that this
Court will enforce his said lien against the
land conveyed by Peter T. Miller and Mary
Miller his wife to the said John C. Harris
and that for that purpose the Court will
enter a decree appointing a Commissioner
whose duty it shall be to, ^{rent} ~~rent~~ or sell
the land or so much thereof as may be
necessary to the highest bidder for the a-
mount of said judgment and execution and
the costs of ~~renting~~ ^{renting} or selling as the case may
be and the costs of this suit and that
the said John C. Harris be made the party
defendant to this bill and answer the same
upon his oath and that the Court will
grant such further and general relief to
Your Orator as may be consistent with equity
and justice and best suited to his case.

May the Commonwealth's writ of Sp. a.
issue. &c.

David Miller
for Complainant.

Sate Clk. - : \$ 3.63
 Siff - 50
 Att. 15.00
 Proc Clk. 2.28

 21.41

Andrew Melbourne
 vs. 3 Bill in Chy.
 John C. Harris

1869. Decr. - Bill filed & Jurors Exempt.
 and Alius Spu. and Continued.

1870 Jan. Spu. Ex. & Decree Nisi & Contd.

Feb. Decree Nisi Confirmed and
 cause set for hearing by Jt. Ct.

Feb. Decree & Continued.

March & April Contd.

May Contd.

June Contd.

July Contd. Aug. Contd.

Sept. Contd. Oct. Contd.

Nov. Decree final.

Andrew Milbourn }
vs. } Decree final
John C. Harris }

This Cause came on again to be heard upon the papers formerly read in the Cause and was argued by Counsel and the Complainant by his Counsel having admitted that the judgment principal & interest & Cost and the Costs of this suit was fully paid to Complainant this Cause on his motion is dismissed

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Andrew Milbourn
vs. } Decree final.
John C. Harris

Entered in decree
H. Morgan
Nov 26th 1870

Andrew Milbourne)

against
John C. Harris

} Decree in Chancery

This Cause Came on this day to be heard upon the Complainants bill and exhibits filed therewith in this Cause and was argued by Counsel And it appearing to the Court that the defendant was duly served with process more than two months before this term of the Court and that this Cause was regularly matured at rules and set for hearing and the said Defendant having failed to answer the Complainants bill it is therefore taken for confessed as to him, And it further appearing that the Complainant has a judgment against Defendant for \$150.00 with interest since the first day of March 1867 ^{and since said judgment subject to a credit of \$108.00, paid Feb. 21st 1870} and \$6.01 for Costs, ^{appearing} and it further that said judgment was for the unpaid purchase money on a tract of land conveyed by Peter J. Miller and Mary Miller his wife to Defendant and which is a lien upon said tract of land and which has not been paid, it is therefore adjudged ordered and decreed by this Court that the said tract of land or so much thereof as may be necessary shall be ^{sold} ~~sold~~ ^{rented} to satisfy the said judgment interest and Costs and the Costs of this Suit and the Cost of executing this decree And that for the purpose the Court doth hereby adjudge order and decree that David Miller be and is hereby appointed a Commissioner

who shall ^{rent} ~~sell~~ the said land or so much thereof as may be necessary to the highest bidder for cash, ^{in hand for a time sufficient} ~~at will be sufficient~~ to satisfy the said judgment interest and costs and the costs of this suit and the costs of executing this decree. ^{renting} ~~Selling~~ first the land the Defendant did not sell to Anderson ^{of and Newlin Taylor} ~~Kand~~, after advertising the time and place of ^{renting} ~~sale~~, at least four weeks on the front door of the Court house and at two or more other public places in the County and report to the next term of this Court how he has executed this decree and that the Defendant pay the costs of this suit and the cause is continued until the next term.

Andrew Williamson

Atty. Genl. Deane

John C. Harris

D. B. 609.

Virginia

At a Court of Quarter Sessions
Continued and Held for Lee County
at the Court house thereof on Sat-
-urday the 21st day of August 1869.

Andrew Milbourn

Plff.

against

John C. Harris

Deft

In Debt

C 251
A 250
S. 50
T. 50
\$6.01

The Defendant not appearing it
is Considered by the Court that the
judgment obtained against him in
the Clerks office for \$150.00 the
Debt in the Declaration mentioned
with legal interest thereon from
the first day of March 1869 till
paid and the Costs be made final.

A copy-

Lease. John B. West D.C.

Andrew Milbourn
vs. } Copy of Judgment
John C. Harris

(A)

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY — GREETING:

WE COMMAND YOU, that of the goods and chattels of *John C. Harris*
late in your bailiwick, you cause to be made \$ *150.00*
with legal interest thereon, from the *first* day of *March*, 1867, till paid,
which *Andrew Milbourne*

lately in our County Court for Lee county, has recovered against *him* by suit for *Debt*
also, \$ *6.01* which to the said *Milbourne*
in our said Court were adjudged for *his* costs in that behalf expended, whereof the said
Harris is convicted as appears to us of record. And that you have
the same before the Justices of our said county Court, at the Court House, on the first Monday in
December next, to render to the said *Milbourne*
of the *Debt* and costs aforesaid.

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E.
THOMPSON, Clerk of our said Court, at the Court House, this *8th* day of *September*
1867, in the *94th* year of the Commonwealth.


C 2.50
A 2.50
S .50
T .50
\$ 6.01

John B. West D. Clerk.
A copy
Deputy John B. West, D. Clerk

N^o 6 (187)

Mr.

Andrew Milbourne

vs.  Fi. Fa.

John C. Harris

December Rules 1869

No property found

G. R. Tyler

D. S.

A copy -

Leake. John B. West D.C.

(B.)

For Bill

John C. Harris from Peter T. Miller
See Deed book no. 15 page 436.

The intention of this Deed is to convey
all the land that the Said Peter T. Miller
owned of Said tract with the reservation
above stated, and a lien is hereby retain-
ed by the Said Peter T. Miller and Mary
his wife upon the land hereby conveyed
for the unpaid purchase money and
interest thereon.

Andrew Melbourne
vs. ³ Extract from Deed.
John C. Harris

(C)

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY — GREETING:
WE COMMAND YOU TO SUMMON *John C. Harris*

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *first* Monday in *December* next, to answer a bill in chancery, exhibited in our said court, against *him* by *Andrew Milburn*

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this, *22^d* day of *November* 186*7*, in the *94th* year of the Commonwealth.

A copy *John B. West, D. Clerk.*
Teste John B. West, D. Clerk.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY — GREETING:

WE COMMAND YOU TO SUMMON

John C. Harris

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *first* Monday in *December* next, to answer a bill in chancery, exhibited in our said court, against *him* by *Andrew Milbourne*

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this, *22^d* day of *November* 186*7*, in the *94th* year of the Commonwealth.

John B. West, D. Clerk.

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Andrew Milbourne

vs. $\frac{3}{4}$ of a in Chancery

John C. Harris

December Rules 1869.

Ad. Executed for use
of the C.R. Tyler & S.

See Bill

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING

WE COMMAND YOU TO SUMMON

John C. Harris

to appear before the ^{*Justice*}~~Judge~~ of our ^{*County*}~~Circuit~~ Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *1st* Monday in *December* next, to answer a bill in chancery, exhibited in our said court, against *him* by
Andrew Milbourne

John B. West
And have then there this writ. Witness, ~~HENRY J. MORGAN~~, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this, *16* day of *Novr* 186*9*, in the *9th* year of the Commonwealth.

John B. West, D. Clerk

Andrew Milbourne

vs. }
 } Summons in Chy.
 }

John C. Harris

December Rules 1869

Not Executed for
want of time
C.R. Hayes

For Bill

The Commonwealth of Virginia,

WE COMMAND YOU TO SUMMON

TO THE SHERIFF OF LEE COUNTY — GREETING

John C. Harris

to appear before the ^{*Justice*}~~Judge~~ of our ^{*County*}~~Circuit~~ Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *1st* Monday in *December* next, to answer a bill in chancery, exhibited in our said court, against *him* by *Andrew Milbourne*

John B. West

And have then there this writ. Witness, ~~HENRY J. MORGAN~~, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this *16th* day of *November* 1869, in the *94th* year of the Commonwealth,

John B. West, D. Clerk,
A copy -
Leck John B. West D. Clerk

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY — GREETING:
WE COMMAND YOU TO SUMMON *John C. Harris*

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *1st* Monday in *January* next, to answer a bill in chancery, exhibited in our said court, against *him* by *Andrew Milbourn*

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this, *6*— day of *December* 186*9*, in the *94*— year of the Commonwealth.

John B. West, D. Clerk.

Bill

Andrew Melbourn

^{alias}
w^o Z^a in ch^y

John C. Harris.

January Rules 1870.

Excerted CR J. L.
Dec 20th 1869

File Bill